

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant.

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.; and

JEANETTE FULLER HAUSLER, and WILLIAM FULLER as
court-appointed co-representatives of the ESTATE OF ROBERT
OTIS FULLER, deceased, on behalf of all beneficiaries of the
Estate and the ESTATE OF ROBERT OTIS FULLER; and

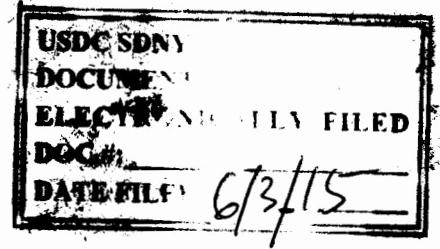
ALFREDO VILLOLDO, individually, and
GUSTAVO E. VILLOLDO, individually and as Administrator,
Executor, and Personal Representative of the ESTATE OF
GUSTAVO VILLOLDO ARGILAGOS,

Petitioners,

v.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.); BANK OF
AMERICA N.A.; BANK OF NEW YORK MELLON;
BARCLAY'S BANK PLC; CITIBANK N.A.; CREDIT SUISSE
AG, NEW YORK BRANCH; DEUTSCHE BANK TRUST
COMPANY AMERICAS; HSBC BANK (HSBC BANK USA,
N.A.); INTESA SANPAOLO S.P.A.; JP MORGAN CHASE
BANK, N.A.; RBS CITIZENS, N.A.; ROYAL BANK OF
CANADA; SOCIETE GENERALE; UBS AG; WELLS FARGO
BANK, NA; BROWN BROTHERS HARRIMAN & CO.;
MERCANTIL COMMERCEBANK, N.A.; STANDARD
CHARTERED BANK; AND BANCO SANTANDER, S.A.,

Respondents/Garnishees.



Case No. 12-CV-01596
(AKH)

**ORDER FOR
WITHDRAWAL OF
FUNDS DEPOSITED
INTO COURT**

WHEREAS, on March 17, 2015, the Court issued an Order and Judgment for Turnover of Specified Uncontested Phase I Accounts (Doc. No. 739-1) (the “Turnover Order”); and

WHEREAS, on March 31, 2015, Respondent/Garnishee HSBC Bank USA, N.A. (“HSBC”) and certain other Respondents/Garnishees (collectively, the “Garnishee Banks”) moved the Court for reconsideration of the Turnover Order (Doc. No. 740) (the “Reconsideration Motion”); and

WHEREAS, in its Order Denying Motion to Reconsider dated May 7, 2015 and entered in this action on May 8, 2015 (Doc. No. 767) (the “Reconsideration Order”), the Court denied the Reconsideration Motion and directed the Garnishee Banks to turn over the funds identified in Exhibit A to the Turnover Order (a) either as directed in the Turnover Order, or (b) if a Garnishee Bank intended to seek an interlocutory appeal and stay of the Reconsideration Order, to the Registry of the U.S. Courts for safekeeping and to avoid risk of diplomatic change affecting the Petitioners as judgment creditors; and

WHEREAS, in accordance with the Reconsideration Order, on May 15, 2015, HSBC deposited with the Registry of the U.S. Courts the funds from HSBC Account Nos. 0149 and 0381, which are more fully described and identified in Exhibit A to the Turnover Order (the “HSBC Turnover Funds”), based on its intention to seek an interlocutory appeal and stay of the Reconsideration Order; and

WHEREAS, in accordance with Fed. R. Civ. P. 67, on May 15, 2015, HSBC filed a Notice of Deposit of Funds into Court concerning its deposit of the HSBC Turnover Funds with the Registry of the U.S. Courts (Doc. No. 768); and

WHEREAS, by letter dated May 21, 2015 (Doc. No. 775), HSBC advised the Court that (a) it no longer intends to seek an interlocutory appeal and stay of the Reconsideration

Order; and (b) that it does not oppose entry of an appropriate order, consistent with the terms of the Turnover Order, releasing the HSBC Turnover Funds to the U.S. Marshal.

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The HSBC Turnover Funds, which were deposited by HSBC with the Clerk of the United States District Court for the Southern District of New York ("Clerk") on May 15, 2015 (Cashier's Office Registry Deposit Receipt Numbers 465401125472 and 465401125474) totaling \$38,224.50 may be withdrawn in accordance with 28 U.S.C. §2042 and Fed. R. Civ. P. 67(b) and shall be turned over by the Clerk to the U.S. Marshal.

2. Within fifteen (15) business days of receipt of the HSBC Turnover Funds from the Clerk, the U.S. Marshal shall transfer the HSBC Turnover Funds to Petitioners' counsel of record in accordance with such payment instructions as may be provided to the U.S. Marshal jointly by Petitioners' counsel of record.

3. HSBC's discharge from liability and requests for reimbursement of fees and expenses incurred in connection with this proceeding are governed by the relevant provisions of the Court's December 9, 2013 Order with Respect to Giving Notice of Turnover Proceeding (Doc. No. 368), as amended.

4. Payment of the HSBC Turnover Funds to the U.S. Marshal and/or turnover of the HSBC Turnover Funds to Petitioners shall not prejudice HSBC's right to subsequently seek an award of attorneys' fees incurred in connection with this proceeding, which right is governed by and subject to the Court's December 9, 2013 Order (Doc. No. 368).

5. This Court shall retain jurisdiction to resolve any dispute arising under the Court's December 9, 2013 Order.

SO ORDERED.

Dated: June 3, 2015
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge